IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants : M. Scott Reichardt et al.

Application No.: 09/731,115 Confirmation No.: 9203

Filed : December 6, 2000

For : SYSTEMS AND METHODS FOR COORDINATING

INTERACTIVE AND PASSIVE ADVERTISEMENT AND

MERCHANDISING OPPORTUNITIES

Art Unit : 2623

Examiner : Son P. Huynh

New York, NY 10036 May 14, 2008

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AMENDED APPEAL BRIEF - REPLACEMENT SECTION

Sir:

In response to the April 30, 2008 Notification of Non-Compliant Appeal Brief, appellants are submitting this Amended Appeal Brief pursuant to 37 C.F.R. § 41.37(d). Pursuant to MPEP § 1205.03, this Amended Appeal Brief only includes the defective "Summary of Claimed Subject Matter" section and is not an entire new brief.

Appellants believe that no fee is required in connection with this Amended Appeal Brief. However, the Director is hereby authorized to charge any fees that may be due, or credit any overpayment of the same, to Deposit Account No. 06-1075.

REPLACEMENT SECTION

(v) Summary of Claimed Subject Matter

Appellants' independent claims 1, 29, and 57 are directed to a method and systems for accessing a passive program guide or barker channel and interactive content from an interactive application. A first interactive display is provided with a branded, selectable option that has a product brand logo graphic of a provider of the passive program guide or barker channel. A second display then replaces the first display in response to a user selecting the option. The second display that replaces the first display is provided with the passive program guide or barker channel and interactive content from the provider. In response to the user selecting the interactive content, additional information on the interactive content is provided.

Support in the specification for claims 1, 29, and 57 is found at least in the locations indicated in the following tables. The table for claim 29 also identifies the means-plusfunction clauses in that claim as well as the corresponding structures, materials, or acts described in the specification.

Claim 1	The Specification
A method for providing access	See, e.g., specification,
to a passive program guide or	page 3, lines 10-19 and
barker channel and interactive	specification page 28, lines
content from an interactive	29-30.
application comprising:	
providing a branded selectable	See, e.g., specification,
option having a product brand	page 28, lines 18-25.
logo graphic of a provider of	
the passive program guide or	
barker channel and interactive	
content within a first	

Claim 1	The Specification
interactive application	
display;	
providing, in a second display	See, e.g., specification,
replacing the first display,	page 29, lines 3-7.
the passive program guide or	Providing the passive program
barker channel and interactive	guide or barker channel from
content from the provider in	the provider: see, e.g.,
response to a user selecting	specification, page 28, line
the option from the	29 through specification,
interactive application	page 29, line 7. Providing
display;	the interactive content: see,
	<i>e.g.,</i> specification, page 30,
	lines 8-11.
providing additional	See, e.g., specification,
information on the interactive	page 6, lines 9-16.
content in response to the	
user selecting the interactive	
content.	

Claim 29	The Specification
A system for providing access	See, e.g., specification,
to a passive program guide or	page 3, lines 10-19;
barker channel and interactive	specification page 28, lines
content from an interactive	29-30; application equipment
application comprising:	17 (FIGS. 2a-2e).
means for providing a branded	See, e.g., specification,
selectable option having a	page 28, lines 18-25; data
product brand logo graphic of	source 14 (FIG. 1); display
a provider of the passive	device 45 (FIG. 4).
program guide or barker	
channel and interactive	
content within a first	
interactive application	
display;	
means for providing, in a	See, e.g., specification,
second display replacing the	page 29, lines 3-7;
first display, the passive	specification, page 28, line
program guide or barker	29 through specification,
channel and interactive	page 29, line 7;
content from the provider in	specification, page 30, lines
response to a user selecting	8-11; data source 14 (FIG.
the option from the	1); display device 45 (FIG.
interactive application	4); input device 46 (FIG. 4);
display;	control circuitry 42 (FIG.
	4).
means for providing additional	See, e.g., specification,

Claim 29	The Specification
information on the interactive	page 6, lines 9-16; data
content in response to the	source 14 (FIG. 1); display
user selecting the interactive	device 45 (FIG. 4); input
content.	device 46 (FIG. 4); control
	circuitry 42 (FIG. 4).

Claim 57	The Specification
A system for providing access to a passive program guide or barker channel and interactive content from an interactive application comprising:	See, e.g., specification, page 3, lines 10-19 and specification page 28, lines 29-30.
user equipment on which an interactive application is at least partly implemented, wherein the interactive application is configured to:	See, e.g., FIG. 3, user television equipment 22 and specification page 22, line 33 - page 23, line 8.
provide a first display on the user equipment, wherein the first display comprises a branded selectable option having a product brand logo graphic of a provider of the passive program guide or barker channel and interactive content;	See, e.g., specification, page 28, lines 18-25.
provide a second display on the user equipment replacing the first display	See, e.g., specification, page 29, lines 3-7.
comprising the passive program guide or barker channel and interactive content from the provider in response to a user selecting the option;	Providing the passive program guide or barker channel from the provider: see, e.g., specification, page 28, line 29 through specification, page 29, line 7. Providing the interactive content: see, e.g., specification, page 30, lines 8-11.
provide, on the user equipment, additional information on the interactive content in response to the user selecting the interactive content.	See, e.g., specification, page 6, lines 9-16.

Appellants' independent claims 18, 46, and 74 are directed to a method and systems for providing advertisements within an interactive application. An advertisement associated with a brand is inserted into branded passive programming. An alert icon is overlaid on the currently displayed, branded passive programming, wherein the alert icon indicates that additional information associated with the currently displayed, branded passive programming is available. The user is provided with the opportunity to select the alert icon to indicate a desire to access the additional information. In response to the user selection, an interactive display is provided that comprises an advertisement associated with the brand of branded, passive programming.

Support in the specification for claims 18, 46, and 74 is found at least in the locations indicated in the following tables. The table for claim 46 also identifies the means-plusfunction clauses in that claim as well as the corresponding structures, materials, or acts described in the specification.

Claim 18	The Specification
A method for providing advertisements	See, e.g.,
within an interactive application	specification, page 35,
implemented at least in part on user	lines 5-8.
equipment comprising:	
providing branded passive programming	See, e.g.,
with an advertisement associated with	specification, page 35,
a brand inserted into the passive	line 33 through page
programming to the user equipment;	36, line 2.
displaying on the user equipment an	See, e.g.,
alert icon overlaid on the currently	specification, page 37,
displayed branded passive programming	line 31 through page
that indicates availability of	38, line 2.
additional information associated	
with the currently displayed branded	
passive programming;	
providing a user associated with the	See, e.g.,
user equipment with an opportunity to	specification, page 38,
select the alert icon to indicate a	line 2.

Claim 18	The Specification
desire to access the additional	
information;	
providing an interactive display on	See, e.g.,
the user equipment in response to the	specification, page 38,
user selection, wherein the display	lines 2-7.
comprises an advertisement associated	
with the brand of the currently	
displayed branded passive	
programming.	

Claim 46	The Specification
A system for providing advertisements	See, e.g.,
within an interactive application	specification, page 35,
running at least in part on user	lines 5-8; application
equipment comprising:	equipment 17 (FIGS. 2a-
	2e).
means for providing branded passive	See, e.g.,
programming with an advertisement	specification, page 35,
associated with a brand inserted into	line 33 through page
the passive programming to the user	36, line 2; data source
equipment;	14 (FIG. 1).
means for displaying on the user	See, e.g.,
equipment an alert icon overlaid on	specification, page 37,
the currently displayed branded	line 31 through page
passive programming that indicates	38, line 2; data source
availability of additional	14 (FIG. 1); display
information associated with the	device 45 (FIG. 4);
currently displayed branded passive	control circuitry 42
programming;	(FIG. 4).
means for providing a user associated	See, e.g.,
with the user equipment with an	specification, page 38,
opportunity to select the alert icon	line 2; data source 14
to indicate a desire to access the	(FIG. 1); input device
additional information;	46 (FIG. 4).
means for providing an interactive	See, e.g.,
display on the user equipment in	specification, page 38,
response to the user selection,	lines 2-7; data source
wherein the display comprises an	14 (FIG. 1); display
advertisement associated with the	device 45 (FIG. 4);
brand of the currently displayed	control circuitry 42
branded passive programming	(FIG. 4).

Claim 74	The Specification
A system for providing advertisements	See, e.g.,
within an interactive application	specification, page 35,

Claim 74	The Specification
comprising:	lines 5-8.
user equipment on which an interactive application is at least partly implemented, wherein the interactive application is configured to:	See, e.g., FIG. 3, user television equipment 22 and specification page 22, line 33 - page 23, line 8.
provide a display on the user equipment, wherein the display comprises branded passive programming with an advertisement associated with a brand inserted into the passive programming;	See, e.g., specification, page 35, line 33 through page 36, line 2.
display on the user equipment an alert icon overlaid on the currently displayed branded passive programming that indicates availability of additional information associated with the currently displayed branded passive programming;	See, e.g., specification, page 37, line 31 through page 38, line 2.
provide a user with an opportunity to select the alert icon to indicate a desire to access the additional information;	See, e.g., specification, page 38, line 2.
provide a display in response to the user selection, wherein the display comprises an advertisement associated with the brand of the currently displayed branded passive programming.	See, e.g., specification, page 38, lines 2-7.

Appellants respectfully request that the above replacement section be replaced with the corresponding section submitted in the Appeal Brief filed on April 16, 2008.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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